

1 WEST VALLEY CITY, UTAH

2  
3 ORDINANCE NO. \_\_\_\_\_

4  
5 Draft Date: 03/29/2010 \_\_\_\_\_

6 Date Adopted: \_\_\_\_\_

7 Date Effective: \_\_\_\_\_

8  
9 AN ORDINANCE AMENDING SECTION 24-22-112 AND  
10 SECTION 24-22-114 OF THE WEST VALLEY CITY  
11 MUNICIPAL CODE TO CLARIFY THAT THE SALT LAKE  
12 VALLEY HEALTH DEPARTMENT IS RESPONSIBLE FOR  
13 THE ENFORCEMENT OF THE NOISE ORDINANCE.

14  
15 WHEREAS, Salt Lake County is responsible for the enforcement of all  
16 noise ordinances and regulations; and

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18 WHEREAS, all waivers and permits associated with noise are issued by  
19 the Director of the Salt Lake Valley Health Department; and

20  
21 WHEREAS, Sections 24-22-112 and 24-22-114 require revision to reflect  
22 the County's responsibility for noise regulations; and

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24 NOW, THEREFORE, BE IT ORDAINED by the City Council of West  
25 Valley City, Utah, as follows:

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27 Section 1. Repealer. Any other provision of the West Valley City Municipal Code  
28 found to be in conflict with this Ordinance is hereby repealed.

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30 Section 2. Amendment. Sections 24-22-112 and 24-22-114 of Title 24 of the West  
31 Valley City Municipal Code are hereby amended as follows:

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33 CHAPTER 24-22 NOISE CONTROL (REGULATION #21)

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35 24-22-101. Definitions and Standards. (Section 1.0)

36 24-22-102. Reserved. (Section 2.0)

37 24-22-103. Reserved. (Section 3.0)

38 24-22-104. Reserved. (Section 4.0)

39 24-22-105. Reserved. (Section 5.0)

40 24-22-106. Reserved. (Section 6.0)

41 24-22-107. General Prohibition of Noise.\* (Section 7.0)

42 24-22-108. Specific Noise Prohibitions.\* (Section 8.0)

43 24-22-109. Use District Noise Levels. (Section 9.0)

44 24-22-110. Sound Level Measurement. (Section 10.0)

45 24-22-111. Exemptions. (Section 11.0)

46 24-22-112. ~~Waivers.~~ ~~Permits.~~ (Section 12.0)

24-22-113. Motor Vehicle Noise. (Section 13.0)  
24-22-114. Enforcement Responsibility. (Section 14.0)  
24-22-115. Reserved. (Section 15.0)  
24-22-116. Reserved. (Section 16.0)  
24-22-117. Reserved. (Section 17.0)  
24-22-118. Reserved. (Section 18.0)  
24-22-119. Penalty. (Section 19.0)  
24-22-120. Reserved. (Section 20.0)  
24-22-121. Additional Remedies. (Section 21.0)

**24-22-112. WAIVERS. PERMITS. (SECTION 12.0)**

- (1) The Director of the Salt Lake Valley Health Department has the authority to waive the requirements and restrictions of this Ordinance on the basis of undue hardship or for a temporary event. The Director may prescribe any reasonable conditions or requirements upon a waiver deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood. ~~Application for a permit for relief from the noise restriction in these ordinances on the basis of undue hardship may be made to the City Manager or his authorized representative by:~~
- ~~a. Filing an application and paying the filing fee to the Business Service Division of the Community and Economic Development Department.~~
  - ~~b. Submitting the application to the Business Service Division for review by the City Manager or his authorized representative.~~
  - ~~c. The application for permit will be reviewed and a decision given, in writing, to the applicant within two full working days from the day the application is submitted to the City.~~
  - ~~d. The applicant may request, in writing, a hearing before the City Manager or his authorized representative to supplement the application for a permit. The hearing must be held within two weeks of the request, and a written decision will be given to the applicant within two full working days from the day of the hearing.~~
  - ~~e. A permit must be obtained at least two weeks before the date the activity, operation, or noise source will occur.~~
  - ~~f. If the denial of the application is made by the City Manager, there shall be no appeal process through the City. District Court may be petitioned for a review of said decision. If the decision is made by the City Manager's authorized representative, the applicant may appeal the decision to the City Manager. In order to appeal the denial of an application, a written notice of appeal must be filed with the Business Service Division within three days after receipt of the notice denying the application. Failure to file a written notice of appeal shall constitute a waiver of the right to appeal the decision.~~
  - ~~g. A hearing of the appeal shall be held by the City Manager within five days after receipt of the notice of appeal. A written decision shall be made within three days after the hearing and notice given to the applicant.~~

- (2) ~~Any permit granted by the City Manager or his authorized representative shall contain all conditions upon which said permit has been granted, including, but not limited to, the effective dates, time of day, location, sound pressure level, or equipment limitation.~~
- (3) ~~The relief requested may be granted upon good and sufficient cause showing:~~
- ~~a. That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this ordinance; or~~
  - ~~b. That the activity, operation, or noise source will be of temporary duration and cannot be carried on in a manner that would comply with this ordinance; and~~
  - ~~c. That no reasonable alternative is available to the applicant. That other alternatives would be more expensive or less cost-effective shall not, in and of themselves be adequate reasons for concluding no reasonable alternative is available.~~
- (4) ~~The City Manager or his authorized representative may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood.~~
- (5) ~~All conditions upon which the permit is granted must be stated specifically on the permit issued for relief from the noise restriction in these ordinances.~~

**24-22-114. ENFORCEMENT RESPONSIBILITY. (SECTION 14.0)**

~~West Valley City shall have primary~~ The Salt Lake Valley Health Department and the West Valley City Police Department shall have enforcement responsibility for this Ordinance.

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

**PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER